

# 9733  
ABRA  
Rec'd 10/23/02  
(b2)

VOLUNTARY AGREEMENT CONCERNING ISSUANCE  
OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES

2002 OCT 23 AM 10 42

**THIS AGREEMENT**, made and entered into this 8TH day of October, 2002, by and between Las Placitas II, Inc., trading as Las Placitas II Restaurant (hereinafter the "Applicant") and Advisory Neighborhood Commission 1c, and the Kalorama Citizens Association (hereinafter the "Protestants") witnesses:

**Whereas** Applicant has filed an application (#9733) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a class "CR" License for the premises known as Las Placitas II, located at 1828 Columbia Road, NW, Washington, DC.

**Whereas** Protestants have filed before the Board protests opposing the granting of this renewal.

**Whereas** in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestants' concerns and to include this agreement as a formal condition of its application, and (2) Protestants will agree to the issuance of the renewal of the license and withdrawal of the Protest, *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement.

**Whereas** Applicant has recently taken or intends to take certain measures designed to ameliorate Protestants' concerns.

**Now therefore**, in consideration of the mutual covenants and undertakings memorialized herein, the Parties agree as follows:

1. Hours. The hours of operation shall be:

Inside and enclosed Sidewalk Cafe:

Sunday through Thursday:	11:00 am until 2:00 am
Friday and Saturday:	11:00 am until 3:00 am

Applicant agrees to announce "last call" ½ hour before closing each day of operation and to promptly remove all alcohol from the tables and bar top at 2:00 am Sunday through Thursday and at 3:00 am Friday and Saturday.

2. Seating. Seating capacity will not exceed:

Interior tables and bar: 47

Enclosed sidewalk cafe: 18

Applicant agrees to yearly renew his Certificate of Use for the enclosed sidewalk cafe and to timely pay rents for the public space assessed by the District of Columbia Government.

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with Title 23 DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises. There shall be no music played on the roof.

4. Trash/Garbage/Rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents to help eliminate the rat population. Applicant will recycle the following items as per DC Law 7-226: cardboard, glass and cans.

Applicant shall provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

5. Exterior including Public Space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable DC laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to encourage patrons to leave those areas at closing.

6. Items specific to establishment.

Applicant agrees to not place any loudspeaker outside or inside that projects sound into the public space outside of the establishment. Applicant shall employ a dedicated security employee at the front entrance on Friday and Saturday from 11:00 pm until closing.

This employee will provide security and check to make sure that only valid I.D.s (age 21 and over) are used to procure alcoholic beverages.

7. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls" or "tours", or any other similar event.

8. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise to a minimum from 11:00 PM to 7:00 AM.

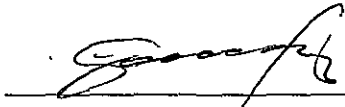
9. Modification. This agreement can be modified only by the ABC Board or the mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC-1C any modification must be approved at a full public meeting by a majority of the Commissioners present constituting a quorum.

10. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.


11. Withdrawal of Protests. Protestants agree to the issuance of the renewal of the license and withdrawal of their Protest, *provided that this Voluntary Agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.*

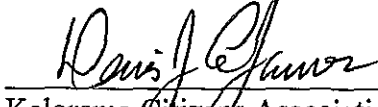
12. Availability of Voluntary Agreement. Applicant agrees to keep available at all times a copy of this agreement at his establishment and to familiarize all his employees with its conditions.

APPLICANT:

  
By: JUAN RAMON ARAYA  
Secretary  
Date: 10.8.2002

PROTESTANTS

  
Advisory Neighborhood Commission 1C  
By: ANDY MISCUC  
Chair ANC 1C  
Date: 21 OCT 02

  
Kalorama Citizens Association  
By: DENIS I.E. JAMES  
ABC LICENSING CHAIRMAN FOR KCA  
Date: 10.8.2002

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Las Placitas II, Inc.  
t/a Las Placitas II

Application for a Retailer's Class  
CR License (renewal)  
at premises  
1828 Columbia Road, N.W.  
Washington, D.C.

Case no. 9733-02/097P  
2002-260

Daniel R. Brody, on behalf of Advisory Neighborhood Commission 1C, and Deni I.E. James, on behalf of the Kalorama Citizens Association, Protestants

Isidoro Amaya, President, on behalf of the Applicant

**BEFORE:** Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Charles Burger, Member  
Laurie Collins, Member  
Judy Moy, Member  
Ellen Oppen-Weiner, Esquire, Member  
Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION  
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on September 4, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Daniel R. Brody, on behalf of Advisory Neighborhood Commission 1C, and Deni I.E. James, on behalf of the Kalorama Citizens Association, filed timely opposition.

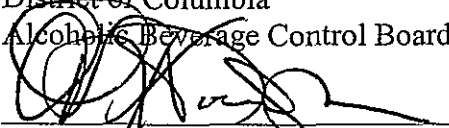
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated October 8, 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

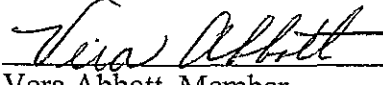
Las Placitas II, Inc.  
t/a Las Placitas II  
Page two


Accordingly, it is this 20th day of November 2002, **ORDERED** that:

1. The opposition of Daniel R. Brody, on behalf of Advisory Neighborhood Commission 1C, and Denis I.E. James, on behalf of the Kalorama Citizens Association, is **WITHDRAWN**;
2. The application of Las Placitas II, Inc. t/a Las Placitas II for a retailer's class CR license (renewal) at 1828 Columbia Road, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Charles Burger, Member

  
Laurie Collins, Member

not voting

Judy Moy, Member

not voting

Ellen Oppen-Weiner, Esquire, Member

not voting

Audrey E. Thompson, Member

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of :**

Las Placitas II, Inc.  
t/a Las Placitas II

Application for a Retailer's Class  
CR License – renewal

1828 Columbia Road, N.W.  
Washington, D.C.

Case no. 9733-98066P

**Peter Schott, Chair, Liquor Licensing Committee, Kalorama Citizens Association,  
Protestant**

**Isidora Amaya, President, on behalf of Applicant**

**BEFORE: Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Ellen Oppen-Weiner, Esquire, Member  
Audrey E. Thompson, Member**

**ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT**

The matter, having been protested, came before the Board for public hearing on October 14, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Peter Schott, Chair, Liquor License Committee, Kalorama Citizens Association, filed a protest letter dated September 28, 1998.

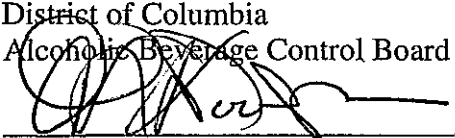
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated October 20, 1998, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

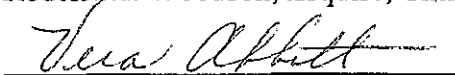
**Las Placitas II, Inc.**  
**t/a Las Placita II**  
**Page two**


Accordingly, it is this 28<sup>th</sup> day of June 2000, **ORDERED** that:

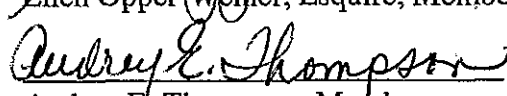
1. The opposition of Peter Schott, Chair of the Liquor License Committee, Kalorama Citizens Association, be, and the same hereby, is **WITHDRAWN**;
2. The application of Las Placitas II, Inc. t/a Las Placitas II for a retailer's class CR license (renewal), located at 1828 Columbia Road, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Ellen Oppenheimer, Esquire, Member

  
Audrey E. Thompson, Member

#9733

## **VOLUNTARY AGREEMENT BETWEEN KALORMA CITIZENS ASSOCIATION AND LAS PLACITAS RESTAURANT**

This AGREEMENT, made and entered into this October 20, 1998 by and between "Las Placitas II (hereinafter the "Applicant") and PETER SCHOTT, on behalf of Kalorama Citizens Association (hereinafter the "Protestant").

WHEREAS, Applicant having filed an application with the District of Columbia Alcohol Control Board (hereafter "ABC Board") for issuance of a Class CR License for the premises at 1828 Columbia Road, NW, Washington, DC 20009, which application is pending before the ABC Board in Case No. 9733.

WHEREAS, Protestant having timely filed before the ABC Board a protest opposing the granting of the referenced application; and

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval by the ABC Board, the Applicant agrees to adopt certain measures to address the Protestant's concerns and the Protestant agrees to the issuance of the ABC License and withdraws the Protest ps, 12/2

NOW, THEREFORE, in consideration of the mutual covenants and undertakings Memorialized herein, the parties agree as follows:

1. Noise Suppression. There shall be no loud music performed in the establishment. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity or on the sidewalks across the street from the restaurant on Columbia Road. The Restaurant's operations shall at all times be in compliance with the DC Noise Control Act. Applicant will encourage employees and patrons, by posted sign or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace and tranquility of residents in the enjoyment of their homes or generate a noise complaint.



2. Applicant shall open its doors to receive patrons the following hours: and shall have its kitchen open and serve food during those hours: Sunday through Thursday, noon to 2 a.m, Friday and Saturday, noon to 3 a.m..

3. Applicant will maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area and see that those areas remain clean, and keep dumpster lid tightly closed and incapable of being entered by rodents, in order to limit odors and help control the pest and rodent population.

4. Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in dumpster.


5. Applicant will maintain free of trash and litter the adjacent rear alley area, and public space and street to a minimum distance of 18" from the curb, adjacent to the front of the building, in compliance with all applicable D.C. regulations in this respect, as often as needed (minimum twice daily).

6. Applicant will comply in all respects with the requirements of its license or other requirements of law, including maintaining the appropriate ratio between food service and liquor sales, refusing sales of alcohol or cigarettes to legally underage persons, and refusing to sell alcohol to inebriated patrons.

7. No patron ingress or egress at the rear of the building shall be permitted.

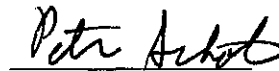
IN WITNESS WHEREOF, the Parties place their hands, on the date written above

APPLICANT



Ramon Amaya  
Las Placitas II

PROTESTANTS



Peter Schott  
Kalorama Citizens Association